

Environmental Sustainability Board

Robinson Nature Center

May 14, 2015

7:00 p.m.

Board Members	OCS Staff	Guests
Ned Tillman, Chair	Jim Caldwell, Acting Director	Carl DeLorenzo, HC Policy Director
Cathy Hudson, Vice Chair	Rachel Beebe	Karen Basinger, University of Maryland Extension
Mark Southerland		Catherine Strawley
Sherman Howell		
Georgia Eacker		
Tom Paxton		
Sandy Olek		
Betsy Singer		
Katie Elicker		

At 7:10, Chair Ned Tillman welcomed the meeting's attendees and initiated a round of introductions.

Discussion:

PALS: Carl provided background and updates for the PALS (Partnership for Action Learning in Sustainability) program and selection process. Participating professors will choose a subject from a list provided by County agencies. They will then prepare a 15-week syllabus around the chosen subject. The County has prioritized a list of 60 projects submitted by County agencies for the PALS program. Some of the projects categories include: agriculture, vulnerable citizens, open space planning, and historic sites in Ellicott City. Karen suggested involving faculty from the School of Agriculture; Carl stated that these faculty have not showed interest in the projects. Cathy asked what role the ESB will play in PALS. Carl says that the ESB will not play an active role in selection, but the chosen topics will be presented to the ESB after selection. Ned suggested that ESB could provide a valuable service by having PALS class present to the ESB.

OCS Budget: Carl stated that the OCS fiscal year 2016 budget has been finished and presented to the County Council. Jim provided updates on changes to the OCS and its budget. First, the Office will have 1.25 more work years, as of July 1. This is because Bill Mahoney's position will be moved to the OCS budget, and he will begin working full time in the Office, rather than his current half-time position. Lindsay and Rachel will also begin working 25% time on non-stormwater projects, and thus be partially funded by the general fund, rather than the Watershed Protection Fee. The only questions that the council asked regarding the budget were as follows:

- Meal prices for the Roving Radish
- Why two positions are moving to 75% stormwater funding

The fiscal year 2016 budget will be approved at the end of May. Carl said that the Executive's Office is finalizing a work plan for the OCS, which will provide direction to the Office for the next 12 months.

Food policy/food hub: Kelly Dudek, the OCS Food Policy Director, will leave the Office on July 1, as the funding for her position was a one-time grant source and has been exhausted. Jim requested that she put together a food consulting proposal for the County. Kelly plans to start a food policy consulting group. OCS will pilot a food hub at Bushy Park Elementary school beginning shortly.

SB 863: Governor Hogan signed the Bill on May 14, 2015, however its implications are being drastically misrepresented to the public. The Bill removes the mandate for counties to have a stormwater remediation fee, but counties must still prove maintenance of effort. The Bill imposes more reporting and revenue requirements and will ultimately scrutinize the process more stringently; during the first year (beginning July 1, 2015), counties must demonstrate that they possess 75% of the funding necessary to comply with MDE permits and in the second year, they must demonstrate that they possess 100% of the necessary funding. The public will be surprised when the Fee is issued in July, as they have been led to believe that it has been repealed. Some on the Board believe that this will offer a "second chance" to establish the importance of the Fee and achieve public buy-in.

Litigation of permits: The Chesapeake Bay Fund (CBF) has challenged the Maryland Department of Environment's (MDE) permits to the small Phase 1 counties (Howard, Charles, Frederick, Carroll, Harford). They are litigating the permits, as they claim that the permits do not provide enough detail to allow for public comment. Howard County alone will not challenge MDE on its permit, and would like to discuss our current efforts with CBF. Howard County has filed a motion to dismiss. CBF has found a Howard County resident who may have standing to challenge the permit. Mark asks whether CBF is challenging MDE or the County. They are challenging MDE.

[previous suits brought against Montgomery permit (now decided) and later to Baltimore County, Baltimore City, PG County, AA County permits]

Patrick Farm: Carl and Jim provided updates on the Patrick Farm project. This is a Public Private Partnership, in which a private entity will provide a loan to Howard County government to perform work on the Patrick Farm, a private dairy farm, to be repaid over 5 years. There has been debate over use of public funds to improve private property; this project will not only provide water quality treatment to be claimed toward County Permit compliance, but will also increase the value of the farm by installing fencing, etc. OCS will receive funds from the private funding entity, who will disburse the funds to the Howard Soil Conservation District (HSCD), who will then pay the contractor to perform retrofits to the Patrick Farm. HSCD would like to use the Patrick Farm as an educational facility for farmers across the state. Jim states that Public Private Partnerships will become more common in the future.

Mark Southerland, Chief Ecologist of Versar, provided a presentation on the subjects of water quality and stormwater. The following information was gathered from his presentation:

- The Clean Water Act requires chemical, physical, and biological integrity; the MS₄ permit does not contain biological requirements.
- The Maryland Department of Natural Resources (MD DNR) has conducted the Maryland Biological Stream Survey (MBSS) since 1995 to establish water quality baselines and quantify changes.
- Stressors to streams include: invasive plants and invasive aquatic animals, sedimentation, nutrients, acid mine drainage, and acid deposition.
- The four most common stressors to Howard County streams are: invasive plants, aquatic non-natives, nitrate, and urbanization (Cathy requested this information).
- There are 10,000 acres of untreated impervious surface in Howard County; the County is required to treat 20% of this impervious within 5 years of the permit date, or 2,000 acres.
- MS₄ permits have existed since 1995 and have been increasing in requirements and complexity since then. One of the first efforts pursuant to this permit was the establishing of a GIS layer to quantify baseline amounts of impervious surface.
- CBF's concern, which prompted them to litigate several counties' permits is that the MS₄ quantifies the amount of impervious surface treatment, but does not specify the amount of pollutant reduction.
- The Howard County Department of Public Works (DPW) began a model community in the Red Hill Branch (Brampton Hills) complete with restoration and monitoring. Nitrogen and Phosphorous levels have decreased, but stream channels and biology have not yet improved in this area.
- Background on design standards: ideology shift in the industry from traditional stormwater ponds as a treatment practice, which uses stormwater ponds as a treatment practice, to the current industry standard of Environmental Site Design (ESD), which infiltrates stormwater on-site.
- Cathy asked if it is safe for children to play in streams, if we cannot demonstrate that site contains biologicals. Mark stated that swimming in streams after storms is not recommended; Howard County has high levels of bacteria in streams. How do we know that we have enough enforcement? We avoid citations, and try to work with people to correct the problem.

Stormwater outreach: Jim states that the best way to reach commercial entities is by offering a reduction in the Fee, if they participate in a rebate program. However, the payoff for commercial entities is not high enough to incentivize their participation. Biohabitats reported a 99-year payoff in stormwater retrofits to one commercial entity. Thus, commercial entities would rather pass the Fee along to their tenants than install retrofits. Ned asks whether the ESB should have more of an outreach role for stormwater. Carl suggested that the ESB come to Watershed Assessment public meetings; Betsy suggested that WSA should also come to these meetings.

Non-profit program: Lindsay is preparing a Request for Proposals (RFP) for the non-profit program to use a \$1 million grant from the MD DNR. Whichever contractor can treat the most impervious surface using \$1 million will win the contract.

The meeting was adjourned at 9:05.